IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 14941 of 2005

Between:

G.Balarajaiah S/o.Late G.Chandraiah,
H.No.7-1-381/1, Behind Central bank, Maruthi Veedhi,
Secunderabad.

..... PETITIONER

AND

1. The Municipal Corporation of Hyderabad, rep. by its

Commissioner, Tank Bund Rod, Hyderabad.
2. The Additional Commissioner Municipal Corporation of

Hyderabad, Tank bund Road, Hyd.
3. The Assistant city Planner Municipal Corporation of Hyderabad Secunderabad Zone, Secunderabad.
4 The State of Andhra Pradesh, rep by its Secretary, Revenue

Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the action of the respondents in issuing proceedings No.331/TPS/SD/RW/MCH/2005 ldt.14.6.2005 as illegal, arbitrary and violative of Article 14 and 300-A of the Constitution of India and set aside the same and petitioners premises belonging to the respondent corporation

Counsel for the Petitioner: SMT.W.V.S.RAJESWARI

Counsel for the Respondent No.: SMT.G.JYOTHI KIRAN

The Court made the following :

ORDER:

The case of the petitioner, as can be evidenced from the affidavit, is that he has taken the property bearing No.1-8-264, Begumpet, Hyderabad, since 1962, on long lease for 99 years from 4th respondent, vide lease deed dated 10.1.1972 and constructed hotel known as *Goodluck Hotel*. While so, on 14.6.2005, the Municipal Corporation of Hyderabad, in exercise of powers under Sec. 146 and 147 of the Hyderabad Municipal Corporation Act, 1955 issued the impugned notice requiring the petitioner to handover advance possession of the property for road widening. It is the contention of the learned counsel for the petitioner that the respondent

Corporation has to acquire land on either side of the road, but the Corporation has issued notice for the entire area of 99 Sq. Yards to a depth of 33" and hotel business, which is the sole source of livelihood, is being affected. Raising various contentions, it is submitted that the petitioner has submitted a representation dated 21.6.29005, as a reply to the impugned notice.

Having regard to these facts and circumstances, without dwelling upon merits or otherwise of the contentions raised herein, I deem it appropriate to direct the respondents to consider the representation and dispose of the same within a period of four weeks from the date of receipt of a copy of this order. With this direction the writ petition is disposed of. No order as to costs.

Elipe Dharma Rao, J.

July 11, 2005

MAS

To

1. The Municipal Corporation of Hyderabad, rep. by its

Commissioner, Tank Bund Rod, Hyderabad.
2. The Additional Commissioner Municipal Corporation of

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